

UNITED STATES DISTRICT COURT
Western District of North Carolina

UNITED STATES OF AMERICA

v.

Michael Smith
Defendant

) Case No: 3:24-mj-00271-DCK
)
) Charging District: Southern District of New
) York
) Charging District's Case No: 24CRIM504
)

**ORDER REQUIRING A DEFENDANT TO APPEAR IN THE DISTRICT
WHERE CHARGES ARE PENDING AND TRANSFERRING BAIL**

After a hearing in this court, the defendant is released from custody and ordered to appear in the district court where the charges are pending to answer those charges. If the time to appear in that court has not yet been set, the defendant must appear when notified to do so. Otherwise, the time and place to appear in that court are:

Place: Appear as directed by the Southern District of New York.	Courtroom No.:
	Date and Time

The clerk is ordered to transfer any bail deposited in the registry of this court to the clerk of the court where the charges are pending.

Date: September 5, 2024



David C. Keesler
United States Magistrate Judge

UNITED STATES DISTRICT COURT
Western District of North Carolina

UNITED STATES OF AMERICA

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Michael Smith
Defendant

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)
) Case No: 3:24-mj-00271-DCK
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) Charging District's Case No: 24CRIM504
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)

**WAIVER OF RULE 5 & 5.1 HEARINGS
(Complaint or Indictment)**

I understand that I have been charged in another district, the Southern District of New York

I have been informed of the charges and of my rights to:


- (1) retain counsel or request the assignment of counsel if I am unable to retain counsel;
- (2) an identity hearing to determine whether I am the person named in the charges;
- (3) production of the warrant, a certified copy of the warrant, or a reliable electronic copy of either;
- (4) a preliminary hearing within 14 days of my first appearance if I am in custody and 21 days otherwise – unless I am indicted – to determine whether there is probable cause to believe that an offense has been committed;
- (5) a hearing on any motion by the government for detention;
- (6) request transfer of the proceedings to this district under Fed. R. Crim. P. 20, to plead guilty.

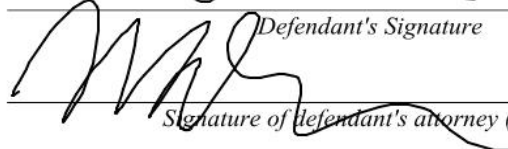
I agree to waive my right(s) to:

- ☒ an identity hearing and production of the warrant.
- ☐ a preliminary hearing.
- ☐ a detention hearing.
- ☐ an identity hearing, production of the warrant, and any preliminary or detention hearing to which I may be entitled in this district. I request that those hearings be held in the prosecuting district, at a time set by that court.

I consent to the issuance of an order requiring my appearance in the prosecuting district where the charges are pending against me.

Date: September 5, 2024



Defendant's Signature


Signature of defendant's attorney (if any)
Matthew G. Pruden

Printed name of defendant's attorney (if any)

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U.S. District Court
Western District of North Carolina (Charlotte)
CRIMINAL DOCKET FOR CASE #: 3:24-mj-00271-DCK All Defendants

Case title: USA v. Smith

Date Filed: 09/04/2024

Date Terminated: 09/05/2024

Assigned to: US Magistrate Judge David
Keesler

Defendant (1)**Michael Smith***TERMINATED: 09/05/2024*represented by **Matthew G. Pruden**

301 E. Park Avenue
Charlotte, NC 28203
704-338-1220
Fax: 704-338-1312
Email: mpruden@tinfulton.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

Noell P. Tin

Tin Fulton Walker & Owen, PLLC
301 East Park Avenue
Charlotte, NC 28203
704-338-1220
Fax: 704-338-1312
Email: ntin@tinfulton.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Pending Counts

None

Disposition**Highest Offense Level (Opening)**

None

Terminated Counts

None

Disposition

Highest Offense Level (Terminated)

None

Complaints

18:1349 - CONSPIRACY TO COMMIT
WIRE FRAUD; 18:1343 and 2 - WIRE
FRAUD AND AIDING AND ABETTING
THE SAME; 18:1956(h) - MONEY
LAUNDERING CONSPIRACY

Disposition**Plaintiff**

USA

represented by **Michael E. Savage**
U.S. Attorney's Office
227 W. Trade St.
1700 Carillon
Charlotte, NC 28202
704/344-6222
Fax: 704/227-0197
Email: mike.savage2@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Assistant US Attorney

Date Filed	#	Docket Text
09/04/2024	1	S/NY SEALED INDICTMENT as to Michael Smith (Attachments: # 1 S/NY - Warrant) (brl) (Entered: 09/04/2024)
09/04/2024		Arrest (Rule 5) of Michael Smith (brl) (Entered: 09/04/2024)
09/04/2024		Set Hearings as to Michael Smith: Initial Appearance - Rule 5 set for 9/5/2024 09:30 AM in Courtroom #1A, 401 W Trade St, Charlotte, NC 28202 before US Magistrate Judge David Keesler. (brl) (Entered: 09/04/2024)
09/05/2024		Case unsealed as to Michael Smith. Per ASUA Savage indictment unsealed in the Southern District of New York. (mga) (Entered: 09/05/2024)
09/05/2024		Attorney update in case as to Michael Smith. Attorney Michael E. Savage for USA added. (mga) (Entered: 09/05/2024)
09/05/2024		ORAL NOTICE OF "LIMITED" ATTORNEY APPEARANCE: Matthew G. Pruden appearing for Michael Smith (mga) (Entered: 09/05/2024)
09/05/2024		Minute Entry: INITIAL APPEARANCE in Rule 5(c)(3) Proceedings as to Michael Smith held before US Magistrate Judge David Keesler. Defendant advised of rights & charges. Defendant waived identity hearing. Defendant ordered to appear in charging district. Government attorney: Michael Savage. Defendant attorney: Matthew G. Pruden. Court Reporter: Digital Court Reporter. (mga) (Entered: 09/05/2024)

09/05/2024	<u>2</u>	WAIVER of Rule 5(c)(3) Hearings by Michael Smith (mga) (Entered: 09/05/2024)
09/05/2024	<u>3</u>	Appearance Bond Entered (<i>Restricted</i>) as to Michael Smith in amount of \$ 25,000 unsecured. Signed by US Magistrate Judge David Keesler on 9/5/24. (mga) (Entered: 09/05/2024)
09/05/2024	<u>4</u>	NOTICE OF ATTORNEY APPEARANCE: Noell P. Tin appearing for Michael Smith (Tin, Noell) (Entered: 09/05/2024)
09/05/2024	<u>5</u>	ORDER (<i>Restricted</i>) Setting Conditions of Release as to Michael Smith (1) 25,000 unsecured. Signed by US Magistrate Judge David Keesler on 9/5/24. (mga) (Entered: 09/05/2024)
09/05/2024	<u>6</u>	ORDER holding defendant to answer and to appear in district of prosecution or district having Probation Jurisdiction as to Michael Smith. Signed by US Magistrate Judge David Keesler on 9/5/24. (mga) (Entered: 09/05/2024)
09/05/2024		Rule 5(c)(3) Documents Emailed to Southern District of New York as to Michael Smith (mga) (Entered: 09/05/2024)
09/05/2024		Notice to Southern District of New York of a Rule 5 or Rule 32 Initial Appearance as to Michael Smith. Your case number is: 24CRIM504. Using your PACER account, you may retrieve the docket sheet and documents. (Documents: <u>3</u> Bond, <u>1</u> Miscellaneous Filing, <u>5</u> Order Setting Conditions of Release, <u>6</u> Order Rule 5 Bond Release, <u>4</u> Notice of Attorney Appearance - Defendant, <u>2</u> Waiver of Rule 5(c)(3) Hearings) (<i>If you wish to designate a different email address for future transfers, send a request to InterDistrictTransfer_TXND@txnd.uscourts.gov.</i>) (mga) (Entered: 09/05/2024)